

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 63

(Chair, Environment and Transportation Committee)(By
Request - Departmental - Natural Resources)

Environment and Transportation

Education, Health, and Environmental Affairs

**Natural Resources - Fishing - Regulation and Use of Commercial Finfish
Trotlines**

This departmental bill authorizes the Secretary of Natural Resources, after consultation with the Tidal Fisheries Advisory Commission and the Sport Fisheries Advisory Commission, to adopt regulations to define and govern the use of finfish trotlines as a type of commercial fishing gear. The Department of Natural Resources (DNR) must consider relevant biological, ecological, and socioeconomic factors before adopting the regulations. A tidal fish licensee is authorized to use more than two hooks or two sets of hooks for each rod or line when using a finfish trotline.

The bill takes effect July 1, 2016, and terminates June 30, 2019.

Fiscal Summary

State Effect: The bill does not directly affect State finances.

Local Effect: None.

Small Business Effect: DNR has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services (DLS) generally concurs with this assessment as discussed below. (The attached assessment does not reflect amendments to the bill.)

Analysis

Current Law: The Secretary of Natural Resources is authorized, after consultation with the Tidal Fisheries Advisory Commission and the Sport Fisheries Advisory Commission, to adopt regulations to define and govern the use of recreational fishing gear and four types of commercial fishing gear (fish pots, bank traps, fyke nets, and hoop nets). DNR must consider relevant biological, ecological, and socioeconomic factors before adopting regulations.

Except in State waters in the Atlantic Ocean, a tidal fish licensee may not use more than two hooks or two sets of hooks for each rod or line.

Background: DNR intends to use the authority provided under the bill to establish rules for the use of finfish trotline gear by commercial watermen that will allow the watermen to target invasive blue and flathead catfish while also addressing concerns about the gear possibly interacting with spawning striped bass. Finfish trotlines are an effective gear to harvest invasive catfish, but DNR indicates that ambiguity in the law about the legality of finfish trotlines has kept a number of commercial watermen from using the gear.

Blue and flathead catfish are native to the Mississippi, Missouri, and Ohio River basins. Both species are considered invasive in the Chesapeake Bay, but DNR indicates that the blue catfish are more of a concern because of their increasing populations, rapid range expansion, and capacity to consume significant amounts of native species.

Small Business Effect: DLS concurs that the overall impact of the bill on small businesses is minimal. However, based on DNR's indication of the bill's intent to clarify the legality of the use of a gear type that is expected to be effective for harvesting blue and flathead catfish, especially in areas where gill nets are prohibited, certain commercial watermen may meaningfully benefit from the bill. According to DNR, the dockside value of the 2014 harvest of blue and flathead catfish was \$135,115.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Natural Resources, Department of Legislative Services

Fiscal Note History:
min/lgc

First Reader - January 25, 2016
Revised - House Third Reader - March 16, 2016

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: **Department of Natural Resources – Fishing – Regulation and Use of Commercial Finfish Trotlines**

BILL NUMBER: HB 63

PREPARED BY: The Department of Natural Resources

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

 X WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

 WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The bill may have a small positive impact on Maryland small businesses because the bill removes uncertainties that cause some watermen to refrain from using trotline gear to catch invasive blue and flathead catfish. As a result of the bill some watermen may have a positive economic impact from catching and selling blue and flathead catfish.